REMARKS

This is a response to a Non-Final Office Action with a notification date of July 20, 2011. Claim 43 has been amended. Claims 48-54 have been added. No claims have been canceled. No new matter has been added to the application. Claims 43-54 are now pending. Pursuant to 37 C.F.R. § 1.111, Applicant respectfully requests reconsideration of the present application.

REJECTION OF CLAIMS 43-47 UNDER 35 U.S.C. § 112:

Claims 43-37 were rejected under 35 U.S.C. § 112 as failing to comply with the written description requirement. Specifically, the Examiner states the rejected claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one of skill that the inventor, at the time of filing, had possession of the claimed invention. Applicant traverses these Section 112 rejections.

In Claim 43, the Examiner objects to the terms "similarly-shaped" and "flexible." As to the term "similarly-shaped," Applicant has deleted this term from Claim 43. As to the term "flexible," Applicant notes that adequate support is provided on Page 15, Line 3 of the originally filed specification. Applicant teaches "the relatively impermeable membrane such as Visqueen." A quick look at http://www.visqueenbuilding.co.uk indicates that Visqueen is a flexible membrane product used for airproofing and waterproofing. Because Visqueen is, by known industry use, a flexible membrane then it follows that the term "flexible" as used in Claim 43 is adequately supported in the specification. Accordingly, Applicant respectfully requests that the Section 112 rejection with respect to Claim 43 be withdrawn.

In Claim 46, the Examiner objects to the phrase "at least one" of the first and second plurality of members of the grid comprises generally parallel rows of strands. Figure 6D clearly shows two rows of strands, the first labeled as 80 and the second labeled as 82, with one being stacked on top of the other to form a three-dimensional grid. Further, at least one of the rows is comprised of generally parallel rows of strands. Therefore, the Section 112 rejection with respect

FOSTER PEPPER PLLC
1111 THIRD AVENUE, SUITE 3400
SEATTLE, WASHINGTON 98101-3299
PHONE (206) 447-4400 FAX (206) 447-9700

to Claim 46 is completely misplaced and must be withdrawn.

Lastly as to Claim 47, the Examiner objects to the term "substantially" with reference to the relative strand directions. On Page 7, Lines 1-11, Applicant refers to overlapping strands without any requirement that the strand directions be parallel or even generally parallel, which means by claim differentiation they may be "substantially non-parallel." Moreover on Page 24, Line 2, Applicant expressly discloses that the angular orientation of the strand directions is not critical, thus leaving open the possibility that the strand directions may be "substantially non-parallel." For at least these reasons, the Section 112 rejection of Claim 47 must be withdrawn.

REJECTION OF CLAIMS 43 AND 45-47 UNDER 35 U.S.C. § 103:

Claims 43 and 45-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,203,714 to Wenander in view of U.S. Patent No. 3,150,029 to Ferrand or in view of U.S. Patent No. 3,811,287 to De Winter and further view of U.S. Patent No. 3,506,747 to Creskoff. Of the claims rejected herein, only Claim 43 is an independent claim. Applicant respectfully traverses these Section 103 rejections.

In Paragraph 0013 of Applicant's originally filed disclosure, Applicant specifically addresses some of drawbacks associated with inefficient airflow. Specifically, Applicant noted that "[p]rior systems moved air inefficiently" and with "all other things being equal, higher pressure would be required to overcome the friction inherent in the system" or "given a maximum amount of pressure sustainable by the blower in the system, the friction in the inefficient distribution of the prior systems would leave that much less effective air movement for actual drying at the point of the wet surface." It was the discovery of these inefficiencies, which required higher power demands and higher costs to obtain a sufficient amount of drying over a large surface area, such as a hardwood floor, that led to the genesis of Applicant's invention. As will be explained below, all of the references cited by the Examiner for these Section 103 rejections suffer from the same drawbacks that Applicant's invention solves.

Wenander describes an apparatus for vacuum processing concrete to remove surplus

water from the concrete by exposing it to vacuum. The apparatus includes a sheet perforated with a great number of holes to prevent solid particles from being sucked away from the concrete when the vacuum pressure is applied (Abstract). In the first embodiment shown in Figure 1, Wenander teaches a distance net 5 provided beneath the cover 2 to form passages for conducting away water removed from the concrete and for uniformly distributing the vacuum over the entire surface being processed. He also teaches providing a lower cloth or sheet 6 between the distance net 5 and concrete surface 1. Even though sheet 6 is provided with a plurality of small holes 7, Wenander acknowledges that the suction action obtained by the vacuum under cover 2 must be applied to the concrete surface 1 at mutually spaced points to achieve sufficient vacuum pressure.

In the second embodiment shown in Figure 2, Wenander teaches replacing the distance net 5 and sheet 6 by a single cloth or sheet 8, which by embossing or a corresponding method is provided with elevations 9. Wenender teaches that like sheet 6 in Figure 1, sheet 8 is provided with a plurality of small holes 7, which abut the concrete surface and which are mainly located between the elevations 9.

In either embodiment described by Wenander, the sheets act as barriers to air flow because the holes in the sheets are, as expressly taught by Wenander, "small holes." The Wenander apparatus is structurally distinct as acknowledged by the Examiner, but moreover the Wenander apparatus is incapable of obtaining a sufficient amount of air flow to dry out a hard wood floor, for example. The sheets 5, 6 or 8, as taught by Wenander, would also require a large amount of vacuum pressure, which in turn would increase power requirements and cost due to the substantially inefficient means of moving air through sheets with small holes.

Next, the Examiner looks to Ferrand to provide the teachings missing from Wenander. However, Ferrand's plant receptacle suffers the same drawbacks as Wenander's apparatus. Ferrand describes a plant receptacle having a grid made from upper and lower sets of spaced bars arranged transversely to one another with a sheet of porous material disposed between the sets of bars (Column 1, Lines 25-29). Further, Ferrand teaches the sheet is preferably made from a

FOSTER PEPPER PLLC
1111 THIRD AVENUE, SUITE 3400
SEATTLE, WASHINGTON 98101-3299
PHONE (206) 447-4400 FAX (206) 447-9700

synthetic resinous plastic fabric (*e.g.*, nylon) with very close stitches or mesh.

Like the sheets in Wenander, the plastic fabric of Ferrand located between the bars would also require a large amount of vacuum pressure, which in turn would increase power requirements and cost due to the substantially inefficient means of moving air through the plastic sheet having "very close stitches or mesh."

Next, the Examiner turns to De Winter as an alternative to the teachings in Ferrand. Referring to Figure 2 of De Winter, the mat 1 attached to the facings would not permit sufficient air movement through the upper and lower fascines. Likewise, De Winter's fascine and mat assembly ald lso require a large amount of vacuum pressure, which in turn would increase power requirements and cost due to the substantially inefficient means of moving air through the mat 1.

Lastly, the Examiner turns to Creskoff as either a substitute for Ferrand or in addition to Ferrand. Creskoff teaches a filter cloth 58 is provided beneath the lath 46 and screen 52. "The filter cloth is preferably made of a fine mesh which permits water to pass through but does not allow solid particles from a cement mass to pass through" (Column 3, Lines 42-45). Creskoff's filter cloth creates the same inefficient airflow drawbacks as all of the aforementioned references.

In summary, the cited references of Wenander, Ferrand, De Winter and Creskoff, taken individually or in any combination, fail to describe, teach or suggest "a grid having a first plurality of members arranged in a first direction and a second plurality of members arranged in a second direction, the second plurality of members supported on the first plurality of members to form a three-dimensional structure *that permits efficient air flow through the structure and over a large surface*, the first direction different from the second direction, the grid configurable to be placed on at least a portion of the building structure" (emphasis added). Further, all of the cited references have inefficient airflow drawbacks because of sheets with small holes, mesh sheets, mats, and/or filter cloths that are located within the various assemblies. For at least these reasons, independent Claim 43 is patentable over the cited references. In addition, dependent Claims 45-47 are patentable at least because they depend from an allowable base claim.

Applicant hereby requests that the Section 103 rejections with respect to Claims 43 and 45-47 be withdrawn.

REJECTION OF CLAIM 44 UNDER 35 U.S.C. § 103

Claim 44 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wenander in view of Ferrand or in view of De Winter and further in view of Creskoff and further in view of U.S. Patent No. 1,713,398 to Rountree. Claim 44 is a dependent claim. Rountree fails to provide any of the teachings missing from Wenander, Ferrand, De Winter and Creskoff. Thus, independent Claim 43 remains patentable even when viewed against the additional disclosure of Rountree. And, Claim 44 is patentable at least because it depends from an allowable base claim.

NEWLY ADDED CLAIMS 48-54

Claims 48-54 have been added. Of these, Claims 48 and 51 are independent claims. Although the wording of Claims 48-54 may differ from the other pending claims, Applicant respectfully submits that Claims 48-54 are patentable over the cited references viewed individually or in any combination.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests withdrawal of the aforementioned objections and rejections and reconsideration of the application. If there are any remaining matters that may be handled by telephone conference, the Examiner is kindly invited to call the undersigned. Any additional fees or overpayment as a result of this filing may be charged to Deposit Account No. 061629.

Respectfully submitted,

/Richard C. Vershave/

Richard C. Vershave, Reg. No. 55,907
Foster Pepper PLLC
1111 Third Avenue - Suite 3400
Seattle, WA 98101
Telephone: (206) 447-6255
Facsimile: (206) 749-2066